

12-13-06

10591787 GAU: 1648

Express Mail Label No. EV 326 984 870 US

Attorney Docket No. 59150-8037



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: NAGAIKE *et al.*

APPLICATION No.: 10/591,787

IA FILING DATE: March 3, 2005

FOR: RECOMBINANT VARICELLA-ZOSTER VIRUS

EXAMINER: To be Assigned

ART UNIT: 1642

CONF. NO: 3253

**Information Disclosure Statement Within Three Months of  
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**1. Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an International Application or before the mailing date of a first Office Action on the merits or before the mailing date of a first Office Action on the merits after the filing of a Request for Continued Examination under 37 CFR §1.114, whichever occurs last (37 CFR 1.97(b)(4)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

**2. Cited Information**

☒ Copies of references 1-10 are enclosed.

**3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))**

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.



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**4. Fee Payment**

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.


However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

**5. Patent Term Adjustment (37 C.F.R. § 1.704(d))**

☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: Dec. 11, 2006

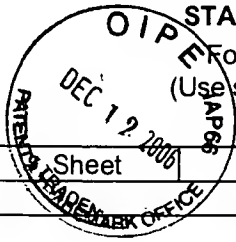
  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Form PTO-1449 (Modified) (Use several sheets if necessary)				<b>COMPLETE IF KNOWN</b>	
				Application Number	10/591,787
				Confirmation Number	3253
				Filing Date	March 3, 2005
				First Named Inventor	Nagaike et al.
				Group Art Unit	<del>1042</del>
				Examiner Name	<del>To be Assigned</del> Chen, Stacy
				Attorney Docket No.	59150-8037



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	1.	PCT	WO00/50603		The Research Foundation for Microbial Diseases of Osaka University	8/31/00		
	2.	PCT	WO02/12288	A2	Lohmann Animal Health GMBH & Co. KG	2/14/02		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.			T
	3.	Adler et al., <i>Journal of Virology</i> , <u>74</u> (15):6964-6974 (2000).			
	4.	Borst et al., <i>Journal of Virology</i> , <u>73</u> (10):8320-8329 (1999).			
	5.	Davison et al., <i>Journal General Virology</i> , <u>67</u> :1759-1816 (1986).			
	6.	Gomi et al., <i>Journal of Virology</i> , <u>76</u> (22):11447-11459 (2002).			
	7.	Messerle et al., <i>PNAS USA</i> , <u>94</u> :14759-14763 (1997).			
	8.	Nagaike et al., <i>Vaccine</i> , <u>22</u> :4069-4074 (2004).			
	9.	Schumacher et al., <i>Journal of Virology</i> , <u>74</u> (23):11088-11098 (2000).			
	10.	Tanaka et al., <i>Journal of Virology</i> , <u>77</u> (2):1382-1391 (2003).			

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /SBC/

EXAMINER	DATE CONSIDERED
/Stacy B. Chen/	09/23/2010
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	